

My Response to Unreasonable Article V Opponents

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by Tim Baldwin

Article V opponents, George Hudson and Paul Stramer, are actively opposing Article V. Below is an email George forwarded to me, which included Paul's attack against Article V:

NO CON-CON!!!! NOT NOW, NOT EVER. What makes anyone think that the lawless government goons will obey anything that comes out of this, when in fact they fly in the face of what we already have as a Constitution? They are all criminals having broken their oath to the same, and they all belong in jail.

Writing more words on a piece of paper isn't going to do it folks. They have Satan as their mentor, and he teaches them how to flaunt the law and twist the truth at every turn. There is NO solution at law besides a general uprising of good people to JUST SAY NO to their unlawful acts like gun control.

George's comments were, "Right on, Paul!" So, I responded to these Article V opponents as follows.

You proclaim, "Not now, not ever" regarding Article V. You are wrong from the perspective of constitutional law, history, experience and necessity.

The Founders not only insisted on providing an amendment process (which did not exist under the Articles of Confederation), but also worked on its language many times throughout the convention to certainly and assuredly give the States the power to control the Feds (without Congress' control). They rejected the baseless statement, "just enforce the Constitution!" (which a couple in the Convention tried to argue to prevent an amendment procedure).

This was especially true regarding the judiciary. But the Founders were jurists and pragmatists, not dupes of fruitless, rabbit-trail conspiracy theories. By plain example of our Founders, it was RIGHT to amend the Constitution in the past and anytime we determine the necessity. Moreover, they expected us to use Article V! But you declare (against their authority and example) that we shall NEVER amend the Constitution, now or in the future. You hold a ludicrous position.

In plain contradictory logic, you say that "words on a piece of paper" won't correct federal abuse; yet you insist that we leave the words of the Constitution "as is" because these words can be used to fix the problem. You make NO sense. If "they" won't follow an amendment, they won't, more certainly, follow the original portion of the Constitution, especially given that the judiciary's rulings of the Commerce Clause are in the federal government's favor, not the States.

This has NOTHING to do with voting for the right people to Congress. This has everything to do with the duties of each branch of the federal government; namely, the judiciary's duty to interpret federal law and decide disputes between the States and the federal government to, as Madison said, "prevent an appeal of the sword." But you presume to let the States appeal to the sword before correcting the judiciary. You have chosen the wrong side of history and encourage collapse of the union due to dire circumstances instead of

letting the States decide our future through a State convention.

Learn from TRUTH: amendments are followed much more closely than the original constitution. This is natural, given the original Constitution is termed broadly, while Amendments are termed specifically or in response to specific circumstances or precedence we know we want to correct—thereby providing clear guidance for future judicial decisions.

This is hermeneutics 101. Any constitutional scholar or attorney knows this to be true. Even the Anti-Federalists knew in 1787 what you deny today, which is why they insisted on amending the Constitution (Bill of Rights) to limit federal power. They followed the maxim, which Hamilton uses in the Federalist Papers, that the *most recent expression of the people's will is the most supreme*. Your logic is completely ridiculous and betrays our history.

Notably, during the founding generation (in 1795), just after the Constitution's ratification, they amended the Constitution again through the 11th amendment to correct a United States Supreme Court decision on the matter of State sovereignty in suits at law (*Chisholm v. Georgia*, 2 U.S. 419 (1793)). They did not say, "just enforce the Constitution!" or "Fight with the Feds using the 10th amendment!" They amended the Constitution to put federal jurisprudence on the right track for them and for the future. Yet, you think we can fix the Commerce Clause through voting. Absurd!

Wake up! Amendments DO work, and our history shows it.

- Do you see States being sued by individuals in their sovereignty capacity without the State's consent? No because of the 11th amendment.
- Do you see slavery of the black race? No because of the 13th amendment.
- Do you see States denying blacks the right to vote? No because of the 15th amendment.
- Do you see State legislatures electing US Senators? No because of the 17th amendment.
- Do you see the prohibition of alcohol by the federal government? No because of 21st amendment.
- Do you see States denying women the right to vote? No because of the 19th amendment.
- Do you see States denying US citizens the right to vote who are 18 or older? No because of the 26th amendment.

Adding to these plain, self-evident truths, I see on a daily basis in the practice of law (once in Florida, now in Montana) how the Bill of Rights and 14th amendment limits the federal and State government. You may not like every decision each judge makes, but were it not for these amendments, you would have nothing to even reference to highlight their errors.

Thus, it is the amendments themselves that give the States the political guidance, fortitude and will to know and correct federal abuses. Even with the most widely used amendment in criminal cases (the Fourth Amendment), to protect us against unreasonable searches and seizures, it has taken over 200 years for the judiciary to even attempt to shake the stronghold this amendment has provided—and continues to provide—for over two centuries.

Yet you claim that Amendments don't matter. You show everyone (especially those who study and know the law) how ridiculous your approach to the Constitution is. In short, your claims about "not following the Constitution" are inaccurate, over simplistic and unreasonable, and you are dragging ignorant people with you.

But let's get to the core of your erroneous approach to Article V.

Here is the premise. A constitutional convention that proposes a new constitution for the States to ratify is a secession attempt. Our 1787 constitutional convention, in fact, seceded from the Articles of Confederation. Hopefully you see this plain truth. Otherwise, you will likely respond with complete irrelevancies and will have learned or admitted nothing. But the political and historical truth is, the Constitution was a secession act. If you deny this, do so publicly so we can see you know nothing about constitutional law, history or political science and can view your assessment of Article V in according fashion.

Hopefully we can now operate on the same page regarding a constitutional convention and the act of secession.

You know, Chuck Baldwin advocates that the States have a right to secede. Not only a right, he claims that the Red States **need to secede** from the Blue States (see [here](#)) and said secession is the **best option** for liberty's future (see [here](#)). Of course, he is not alone. Many conservatives like Walter Williams, Pat Buchanan, Sean Hannity, Rick Perry, Sarah Palin, Ron Paul, and Glenn Beck have said similarly.

Do you agree or disagree with them, or do you cry the "Union NOW, Union FOREVER" mantra? Given your "no Con-Con NOW, no Con-Con FOREVER" mantra, you PLAINLY are against secession. Thus, you are travelling in opposition direction of the nation's most notable conservative leaders.

Don't get lost or sidetracked; we are still going somewhere.

If you claim Article V authorizes a plenipotentiary constitutional convention (i.e. runaway convention), which you loudly do, then you ADMIT that Article V provides for and authorizes the States to secede from the union. In other words, the Founders gave the States a peaceful way to secede from the union through a constitutional convention. Yet, you are FIGHTING against the Founders' vision. You deny the RIGHT and POWER of the States to secede peacefully, through deliberation and choice. Your agenda by the *fruit of your labor* is to keep the Red and Blue states connected at the neck, which is an inevitable demise to the Red States.

However, if you claim that secession (i.e. "runaway convention") is NOT permitted through Article V, then you ADMIT that Article V DOES NOT permit a runaway convention and thus the States and Congress WOULD and COULD be constitutionally authorized to prevent the runaway convention—meaning, Article V is a limited convention BY NATURE OF ITS PURPOSE.

Of course, the only way the States and Congress could do this is to enforce the applications the States use to call the Convention, which is exactly what scholars like Prof. Rob Natelson prove in their scholarship. Again, you plainly take the opposite position. Thus, you openly fight against the right of the States to secede and plainly contradict the vision of conservative leaders, including Chuck Baldwin, have for Red States. (In case you want to study further this matter, I prove this very plainly [here](#).)

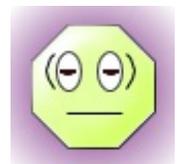
Clearly, your Article V opposition is unfounded whichever turn you take, which shows your positions are illogical and fundamentally flawed. You are stuck with no way to logically and sensibly explain your irrational opposition to Article V.

jack

Monday, June 9, 2014 4:20 AM

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Thursday, August 7, 2014 1:13 AM

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Thursday, October 9, 2014 12:21 PM

Just keep up the good fight.

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Wednesday, January 14, 2015 1:48 PM

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